

**REMARKS**

Claims 17-33 are pending in this application. By this Amendment, claims 17, 19, 20, 22, 30, 32 and 33 are amended. These amendments are supported by Applicants' specification at least at paragraph [0029]. No new matter is added. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action objects to the specification. The claims are amended to obviate this objection. Withdrawal of the objection to the specification is respectfully requested.

The Office Action rejects claims 17-33 under 35 U.S.C. §112, first paragraph, for as failing to comply with the written description requirement. Claims 17-33 are amended to obviate this rejection.

Accordingly, reconsideration and withdrawal of the rejection of claims 17-33 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action rejects claim 33 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claim 33 is amended to obviate this rejection.

Accordingly, reconsideration and withdrawal of the rejection of claim 33 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action rejects claims 17-33 under 35 U.S.C. §101 as allegedly being drawn to non-statutory subject matter.

Claims 17 and 33 are amended to recite, among other features, outputting information on the determined first location of the object, further, claim 33 is amended to incorporate features recited in claim 1, to obviate these rejections.

Accordingly, reconsideration and withdrawal of the rejection of claims 17-33 under 35 U.S.C. §101 are respectfully requested.

The Office Action rejects claims 17-24 and 27-33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,182,725 to Sorvik in view of U.S. Patent No. 4,913,551 to Davis. This rejection is respectfully traversed.

The Office Action concedes that Sorvik does not teach taking, at the first location, at least one first image of the object enabling identifying the object and taking, at the second location, at least one second image of the object enabling identifying the object. The Office Action asserts that Davis remedies these shortfalls of Sorvik.

The analysis of the Office Action fails for the following reason.

Davis teaches, at, e.g., col. 4, lines 38-40, "[c]ameras 1-4 are positioned strategically so as to simultaneously photograph each end of the load." Further, Davis teaches, at, e.g., col. 7, lines 28-59, "Included in each stereomodel is an image of the targets (T1, T2, etc. as seen in FIG. 4) whose positions have previously been determined by ground survey and entered into the computer program." The operator is prompted to (1) place the measuring mark on each of targets, (2) signal the computer, and (3) identify the target number. At the conclusion of this phase, the computer generates the exact x-y-z scales for the individual log measurements. The computer then prompts the operator to move to the front or the top of the stereomodel (the image of the front of the load) and use the measuring mark to determine the diameter of the of the first selected log. The program then determines the average diameter of the rear end of the log, as well as the average distance that the end of the log was from the rear cameras. The total length of the log is calculated by simply subtracting the sum of the distances from the cameras to the logs from the total distance between cameras. This figure is displayed on the screen followed by the computed volume figures.

Thus, Davis merely teaches measuring the diameter and length of the logs and hence the volume of the log. Davis teaches the operator identifying the target number of measuring marks the operator added to the stereomodel image but would not have suggested identifying

the log. Thus, Davis would not have suggested taking an image of the object enabling identifying the object.

Claim 17 recites, among other features, determining, at the second location, using the at least one image taken at the first location and the at least one image taken at the second location, the first location of the object. Claim 33 recites similar features.

The Office Action asserts that Sorvik would have suggested determining at the second location, the first location of the object, and that it would have been obvious to have combined the cameras of Davis with the method of Sorvik to have rendered obvious all of the features recited in claims 17 and 33. Sorvik teaches e.g., col. 5, lines 6-15, a marking device 9 on a harvesting machine that by means of the control unit 8 was controlled to mark the piece of timber with position information about the location growth of the tree. Thus, Sorvik teaches marking the pieces of timber obtained from trees. Sorvik would have no reason to have taken at the first location, at least one image of the object enabling identification of the object, because each piece of timber is already identified with a marking.

Further, Davis would not have suggested determining the location of one end of the logs in Fig. 4 using the stereomodel images taken at each end of the log because Davis merely uses the determined positions of the end of the log to measure the length of the log.

Thus, one of ordinary skill in the art would not have predictably combined the disclosure of Davis with the invention disclosed by Sorvik. The Office Action appears to draw its conclusions through the improper application of hindsight reasoning based on the roadmap provided by the Applicants' application.

For at least the foregoing reasons, the combination of Sorvik with Davis cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 17 and 33. Further, the combination of Sorvik with Davis cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 18-24

and 27-32 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 17-24 and 27-33 under 35 U.S.C. 103(a) as being unpatentable over Sorvik in view of Davis are respectfully requested.

The Office Action rejects claims 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Sorvik in view of Davis further in view of U.S. Patent No. 4,364,732 to Chi et al. (hereinafter "Chi"). This rejection is respectfully traversed.

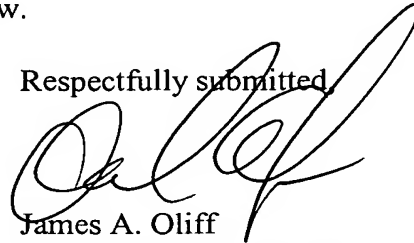
The Office Action concedes that Sorvik and Davis do not teach the curvature of the log, and the taper of the log. The Office Action asserts that Chi remedies these shortfalls of Sorvik and Davis. As argued above, Sorvik and Davis cannot reasonably be considered have suggested the combinations of all of the features recited in claims 17 and 33. Chi as applied to claims 17 and 33 do not remedy these shortfalls of Sorvik and Davis. Therefore, the combination of Sorvik with Davis and Chi cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 25 and 26 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Sorvik in view of Davis further in view of Chi are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 17-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Request for Continued Examination

Date: February 12, 2009

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